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December 29, 2004

By E-Filing

The Honorable Denis R. Hurley
United States District Court
100 Federal Plaza
Central Islip, NY 11722

Re: ***Robert Novak v. Overture Services Inc, et al.***
Case No. CV 02 5164

Your Honor:

We represent defendant Google Inc.

We have reviewed a copy of the Court's December 22, 2004 order noting plaintiff's "Notice of Voluntary Dismissal" and directing the Clerk "to close this case."

Because this is a unilateral dismissal by plaintiff following Google's answer, we trust that plaintiff's claims against Google will be dismissed with prejudice. Google has no objection to a dismissal with prejudice and agrees to waive costs. Google respectfully requests that its counterclaim petitioning the Court to cancel plaintiff's federal trademark registration be dismissed without prejudice.

Respectfully submitted,

/s/ David H. Kramer

David H. Kramer (DK-4619)
John L. Slafsky (JS-3212)

cc: Robert Novak
John Holdefehr
Philip A. Jones, Esq.
Suzanne M. Berger, Esq.

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